

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Cincinnati Insurance Company,	:	
	:	
Plaintiff,	:	Case No. C-1-00-965
	:	
v.	:	Judge Spiegel
	:	
SHANTRAN LOGISTICS, INC.	:	Magistrate Judge Perleman
d/b/a Shan-Tran Logistics, et al.,	:	
	:	
Defendants.	:	

MOTION FOR DEFAULT JUDGMENT AND
JUDGMENT ON THE PLEADINGS

Plaintiff Cincinnati Insurance Company moves the Court for a judgment by default against Defendants Shantran Logistics, Inc., Victor W. Bosnich, T.E.M. Transport, Inc., Equity Trucking Company, TL Express, Sievers Truck Service, Inc., TCT Trucking, Inc., R&M Trucking, LC, Clark Companies, Expediter Freight System, Inc., JRC Transportation, Inc., B-Right Trucking Company, R.B.R. Trucking, Inc., Triple LLL, Inc., Dunlap Trucking, LLC, A&V Trucking of NW Florida, Inc., DaRan, Inc., Quick Silver Express, Inc., H Trucking, Inc., Polo Trucking, Inc., Frueh Transportation, Inc., Fisher Trucking & Lumber Co., Inc., Ellis Steel Company, Inc., Transit Services, Inc., Steel City Transport, Inc., and Specialized Hauling, Inc. (collectively the Defaulting Defendants), for the reason that the Defaulting Defendants have failed to plead or otherwise defend or appear in this action. Plaintiff moves the Court for judgment on the pleadings distributing assets KP Carriers, Inc. and Plaintiff as the only two claimants that have appeared in this case. The grounds for these motions are set forth in the attached memorandum in support.

/s/ William H. Woods

William H. Woods, Trial Attorney (0006748)

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Attorneys for Plaintiff Cincinnati Insurance
Company

MEMORANDUM IN SUPPORT

Plaintiff originally filed this action on November 16, 2000. Plaintiff filed its First Amended Complaint on February 2, 2001 and its Second Amended Complaint on September 20, 2002. The Defaulting Defendants have all been properly served. The Defaulting Defendants have failed to plead or otherwise defend or appear as required by the Ohio Rules of Civil Procedure. After being properly served, Defendants Triple LLL, Inc., Ellis Steel Company, Inc., Sievers Truck Service, Inc., and Polo Trucking, Inc. sent letters to counsel for Plaintiff. Copies of those letters are attached hereto. However, those Defendants did not file Answers or appear through an attorney in this case. Therefore, Plaintiff is entitled to a default foreclosing and barring the Defaulting Defendants' claims against Plaintiff.

Defendant KP Carriers, Inc. filed its Answer on or about March 23, 2001, asserting that it is entitled to judgment in the amount of \$350.00. KP Carriers' claim is unopposed. In its Complaint, Plaintiff demanded a refund of any funds not ordered by this Court to be disbursed to the Defendants. Therefore, Plaintiff requests a judgment on the pleadings ordering \$350.00 disbursed to KP Carriers, and the balance, less poundage, to be disbursed to Plaintiff.

Respectfully submitted,

/s/ William H. Woods

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing document was served by first class, U.S. Mail, postage prepaid, on the 1st day of March, 2004, upon the following parties:

Ronnie A. Phillips, Esq.
Ronnie A. Phillips, Ltd.
P.O. Box 787
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Attorney for KP Carriers, Inc.

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*Attorney for Ricky G. Richard
f/d/b/a R&M Trucking*

Shantran Logistics, Inc.
d/b/a Shan-Tran Logistics
c/o Mike McDevitt
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Cincinnati, OH 45244

Mike McDevitt
3392 Hickory Creek Drive
Cincinnati, OH 45244

Victor W. Bosnich
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Rienzi, MS 38865

Equity Trucking Company
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Channelview, TX 77530-0370

TL Express
c/o Triple Lady's Agency, Inc.,
Statutory Agent
26801 Fargo Avenue
Bedford Heights, OH 44146-1338

Sievers Truck Service, Inc.
c/o Herbert C. Sievers,
Statutory Agent
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Staunton, IL 62088

TCT Trucking, Inc.
c/o David Dossett, President
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LaFollette, TN 37766

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Granite City, IL 62040

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Statutory Agent
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Thomaston, CT 06787

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c/o Gregory J. Gibson,
Statutory Agent
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Youngstown, OH 44512

R.B.R. Trucking, Inc.
c/o Barbara McArdle,
Statutory Agent
12711 Cortland Lane
Roscoe, IL 61073

Triple LLL, Inc.
c/o Maurice Long, President
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Wabash, IN 46992

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c/o Mark Weaver,
Statutory Agent
205 East 4th Street
Salem, MO 65560

A & V Trucking of NW Florida, Inc.
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Cantonment, FL 32533

DaRan, Inc.
c/o Randall Hanson, CEO
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Zimmerman, MN 55398

Quick Silver Express, Inc.
c/o Systran Financial Services Corp.
P.O. Box 3289
Portland, OR 97208-3289

H Trucking, Inc.
c/o Richard E. Hansen,
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Jerseyville, IL 62052-2202

Polo Trucking, Inc.
c/o Lisa K. Polo,
Statutory Agent
RR2, Box 235
Bunker Hill, IL 62014

Frueh Transportation, Inc.
c/o James D. Frueh, President
and Statutory Agent
RR No. 4
Greenville, IL 62246-9804

Fisher Trucking & Lumber Co., Inc.
P.O. Box 840
Rolla, MO 65402

Ellis Steel Company, Inc.
P.O. Box 816
West Point, MS 39773

Transit Services, Inc.
c/o Fred Rahal,
Statutory Agent
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Tulsa, OK 74119

Specialized Hauling, Inc.
c/o R.P. Sulzbach,
Statutory Agent
5000 South Lewis Boulevard
Sioux City, IA 51106

/s/ William H. Woods

William H. Woods

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Plaintiff,	:	Case No. C-1-00-965
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SHANTRAN LOGISTICS, INC.	:	Magistrate Judge Perleman
d/b/a Shan-Tran Logistics, et al.,	:	
	:	
Defendants.	:	

JUDGMENT ENTRY

This matter came before the Court on the Motion of Plaintiff Cincinnati Insurance Company for Default Judgment and Judgment on the Pleadings. Defendants Shantran Logistics, Inc., Victor W. Bosnich, T.E.M. Transport, Inc., Equity Trucking Company, TL Express, Sievers Truck Service, Inc., TCT Trucking, Inc., R&M Trucking, LC, Clark Companies, Expediter Freight System, Inc., JRC Transportation, Inc., B-Right Trucking Company, R.B.R. Trucking, Inc., Triple LLL, Inc., Dunlap Trucking, LLC, A&V Trucking of NW Florida, Inc., DaRan, Inc., Quick Silver Express, Inc., H Trucking, Inc., Polo Trucking, Inc., Frueh Transportation, Inc., Fisher Trucking & Lumber Co., Inc., Ellis Steel Company, Inc., Transit Services, Inc., Steel City Transport, Inc., and Specialized Hauling, Inc. (collectively the Defaulting Defendants) have failed to plead or otherwise defend in this action.

Defendant KP Carriers, Inc. has answered and asserted a claim in the amount of \$350.00, which is unopposed. Plaintiff has asserted that any undistributed funds be returned to it.

It is therefore ORDERED, ADJUDGED AND DECREED that judgment is entered against the Defaulting Defendants, who are hereby barred and foreclosed from asserting any claims against Plaintiff.

It is FURTHER ORDERED, ADJUDGED AND DECREED that Defendant KP Carriers, Inc. is entitled to judgment and distribution in the amount of \$350.00, and the Clerk is ordered to disburse the amount of \$350.00 from the interpled funds to Defendant KP Carriers, Inc.

It is FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff Cincinnati Insurance Company is entitled to judgment and distribution of the remaining funds, and the Clerk is ordered to disburse the amount of \$9,650.00, less poundage, from the interpled funds to Plaintiff Cincinnati Insurance Company.

Magistrate Perleman

APPROVED:

/s/ William H. Woods

William H. Woods

/s/ Jonathan M. Bryan

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